



"Elmer, Mark (ENRD)"
<MElmer@ENRD.USDOJ.
GOV>

06/07/2006 11:30 AM

To kmurray@chapman.com

cc kcgee@unitedpark.com, Peggy
Livingston/ENF/R8/USEPA/US@EPA

bcc

Subject RE:

OK.

By the way, have you found out who (and at what sites) has used third-party auditor to confirm compliance with financial test as a way of satisfying financial assurance requirements? That information will be helpful in determining whether this is a method we can accept in this case.

Also, I just taked with Rich Curly, who said that Arco had signed past costs decree. Can you give me a sense on when I can expect your signature page? I'd like to use it to put a little pressure on Noranda to complete a deal, as ideally I would like to lodge both settlements at the same time.

We should figure out where we are with PLA. As you know, I'll need some time to get DOJ and EPA management approval, and then we'll need to publish in Federal Register, and provide public comment period before agreement is final.

Thanks,

Mark

-----Original Message-----

From: kmurray@chapman.com [mailto:kmurray@chapman.com]

Sent: Wednesday, June 07, 2006 11:16 AM

To: Elmer, Mark (ENRD)

Cc: kcgee@unitedpark.com

Subject:

Please include Kerry as a cc on all documents that you send out.

Kevin Murray
Chapman and Cutler LLP
201 South Main Street, Suite 2000
Salt Lake City, Utah 84101-1685
Direct Dial 801-320-6754
Fax 801-359-8256
kmurray@chapman.com

CIRCULAR 230 DISCLOSURE:

ANY STATEMENTS REGARDING TAX MATTERS MADE HEREIN, INCLUDING ANY ATTACHMENTS, CANNOT BE RELIED UPON BY ANY PERSON TO AVOID TAX PENALTIES AND ARE NOT INTENDED TO BE USED OR REFERRED TO IN ANY MARKETING OR PROMOTIONAL MATERIALS. TO THE EXTENT THIS COMMUNICATION CONTAINS A TAX STATEMENT OR TAX ADVICE, CHAPMAN AND CUTLER LLP DOES NOT AND WILL NOT IMPOSE ANY LIMITATION ON DISCLOSURE OF THE TAX TREATMENT OR TAX STRUCTURE OF ANY TRANSACTIONS TO WHICH SUCH TAX STATEMENT OR TAX ADVICE RELATES.

Chapman and Cutler LLP is an Illinois limited liability partnership that has elected to be governed by the Illinois Uniform Partnership Act (1997).